



**National Crime Prevention and Privacy Compact**  
**COMPACT COUNCIL MEETING**  
**COLUMBUS, OHIO**  
**MAY 11-12, 2005**

**MINUTES**

Ms. Donna Uzzell, Chairman, National Crime Prevention and Privacy Compact Council (Council), called the Council meeting to order at 9:00 a.m. on May 11, 2005, in the Grand Ballroom of the Westin Great Southern Hotel in Columbus, Ohio.

Mr. Todd C. Commodore, FBI's Criminal Justice Information Services (CJIS) Division's Compact Officer, conducted roll call of the Council members. The following Council members, or their proxies, were in attendance.

**State Compact Officers:**

- Mr. Rusty Featherstone, Oklahoma State Bureau of Investigation
- Mr. Paul Heppner, Georgia Bureau of Investigation
- Mr. Jeffrey Kellett, New Hampshire State Police
- Ms. Julie LeTourneau, Minnesota Department of Public Safety
- Captain Timothy P. McGrail, Missouri State Highway Patrol
- Lt. John H. O'Brien, New Jersey Division of State Police
- Mr. David Sim, Kansas Bureau of Investigation
- Mr. Michael Timmerman, Arizona Department of Public Safety
- Ms. Donna Uzzell, Florida Department of Law Enforcement

**State/Local Noncriminal Justice Agency Representative:**

- Mr. Robert Finlayson III, Georgia Department of Human Resources

**State/Local Criminal Justice Agency Representative:**

- Mr. Stuart Nathan, Maryland Department of Public Safety and Correctional Services  
(Proxy for Ms. Carole Shelton)

**Federal Noncriminal Justice Agency Representative:**

- Mr. William Marosy, Office of Personnel Management  
(Proxy for Ms. Kathy Dillaman)

**Federal Criminal Justice Agency Representative:**

- Mr. Jonathan Frenkel, Department of Homeland Security

**Advisory Policy Board Representative:**

- Mr. William Casey, Boston Police Department, Boston, Massachusetts

**Federal Bureau of Investigation:**

- Mr. Thomas E. Bush III, FBI, CJIS Division

Mr. Commodore recognized new members to the Council, new State Compact Officers, and state repository representatives.

Other meeting attendees introduced themselves and the agency they represented.  
**(Attachment 1)**

Council members received a notebook containing Council reference material for use during Council meetings. The book will be provided at each meeting; therefore, all members were requested to leave the book at the conclusion of the meeting.

Chairman Uzzell reported that the Standards Committee report on the status of the establishment of minimum standards for identification verification of applicants when being fingerprinted is not on the meeting's agenda. Prior to presentation to the Council, Standards Committee Chairman, Paul Heppner, requested more information on the topic for the Standards Committee to review.

Chairman Uzzell stated National Fingerprint File (NFF) statistics were included in the meeting handouts. Any questions should be referred to Mrs. Paula Barron, FBI's Council staff.

Next, the Council approved the minutes from the November 3-4, 2004, Council meeting.

**Compact Council Action: Mr. William Casey made a motion to approve the November 2004 minutes. Mr. Mike Timmerman seconded the motion. The motion carried.**

**Topic 1      Privacy Concerns Relating to Criminal History Record Information**

Chairman Uzzell noted that at a recent National Consortium for Justice Information and Statistics (SEARCH) conference, Mr. Francis X. (Paco) Aumand, III, Director of Criminal Justices Services for the Vermont State Police, made a presentation on privacy. **(Attachment 2)** Mr. Commodore attended the conference and advised Chairman Uzzell that the presentation proved informative and suggested the Council discuss the topic. Therefore, Mr. Aumand was invited to speak on this topic to the Council. Chairman Uzzell further noted that Mr. Aumand also serves as the Law Enforcement National Data Exchange (N-DEx) privacy committee chairman. As the name indicates, the National Crime Prevention and Privacy Compact includes privacy issues and this topic was a natural fit for Council discussion. Chairman Uzzell noted that the issue of people's privacy versus the people's right to know, along with the need for information, are constant concerns for state and federal agencies.

Mr. Aumand began his presentation by stating to the Council that privacy is inherent in our regulations concerning the dissemination and collection of criminal history record information (CHRI). He presented privacy concern objectives, including the fundamental and design principles for use in developing a privacy policy. Finally, Mr. Aumand noted the Council needs to consider privacy policies and continue to focus on how to disseminate and verify the quality of CHRI.

**Compact Council Action:** This topic was accepted as information only.

**Topic 2**      **Standards Committee Report on the Comments Received on the "Outsourcing of Noncriminal Justice Administrative Functions: Interim Final Rule (Outsourcing Rule) and the "Security and Management Control Outsourcing Standards" (Outsourcing Standards)**

Council meeting attendees received five attachments on Topic 2 prior to the meeting. The Council's Outsourcing Interim Final Rule (IFR) (first attachment) and the Notice on the Council's Security and Management Control Outsourcing Standards (second attachment) were published in the Federal Register on December 16, 2004, with a 60-day comment period. These attachments were provided for reference purposes during discussion on this topic.

The third attachment contained the only set of comments received on the IFR. Maryland Department of Public Safety and Correctional Services submitted two comments. Mr. Commodore summarized the comments received from the state agency. (1) First, the agency requested clarification of the provision that contractors, agencies, and organizations are not permitted to have terminal access to the III system and requested examples of situations that would permit contractors to have terminal access to the III system. Article V of the Compact provides that "direct access to the National Identification Index by entities other than the FBI and State criminal history record repositories shall not be permitted for noncriminal justice purposes." 42 U.S.C. 14614(b) provides for direct access by certain authorized agencies. Therefore, authorized agencies (i.e., FBI state repositories, and certain agencies performing the background checks authorized under 42 U.S.C. 14614(b)) require direct access to III in order to perform their authorized functions. Although these agencies may choose not to outsource these functions, the exception language in the rule was intended to not prohibit that option. (2) The agency also questioned whether the Outsourcing Rule had any affect on a specific provision of the Security Clearance Information Act (SCIA) which authorizes a state criminal history record repository to require that fingerprints accompany a SCIA record check request if certain requirements are met. The Outsourcing Rule has no impact on the SCIA provision nor does the rule affect the state law requiring fingerprints for use in conducting a state automated fingerprint identification system record check for such purposes. Mr. Stuart Nathan, of the Maryland Department of Public Safety and Correctional Services, attended the Council meeting and stated that he had submitted the comments on the IFR. Mr. Nathan stated that his concerns on the IFR were satisfied.

The fourth attachment contained the draft final Outsourcing Rule and a discussion on the comments received on the IFR.

**Compact Council Action: Mr. Paul Heppner made a motion to accept the draft final Outsourcing Rule as proposed and publish it in the Federal Register as a final rule. Mr. Rusty Featherstone seconded the motion. Motion carried.**

Mr. Commodore mentioned that the Outsourcing Final Rule will be forwarded to the Department of Justice for a final legal review prior to publication in the Federal Register.

Mr. Commodore then presented to the Council comments received on the Security and Management Control Outsourcing Standards. Twelve comments were received by the Florida Department of Law Enforcement, ChoicePoint, and the FBI. The fifth attachment included the section of the Standard pertaining to each comment, the comment received, and the Standards Committee recommendation on the comment. The Council then discussed the comments individually. Following are the motions made by the Council on each of the comments, including the section of the Standard pertaining to the comment.

Comment #1 - Section 1.08

**Compact Council Action: Mr. Paul Heppner made a motion that the Council accept the Standards Committee recommendation to make no changes to the definition of "dissemination" in Section 1.08. Mr. Michael Timmerman seconded the motion. Motion carried.**

Comment #2 - Section 2.01

**Compact Council Action: Mr. Paul Heppner made a motion that the Council accept the Standards Committee recommendation to revise Footnote E2 as follows: The Compact Officer/Chief Administrator may not grant such permission unless he/she has implemented a combined state/federal audit program to, at a minimum, triennially audit a representative sample of the Contractors and Authorized Recipients engaging in outsourcing with the first of such audits to be conducted within one year of the signing of the contract. At the end of Footnote E2, a representative sample will be defined as one based on generally accepted statistical sampling methods. Mr. Michael Timmerman seconded the motion. Motion carried.**

Comment #3 - Section 2.01

**Compact Council Action: Mr. Paul Heppner made a motion that the Council, based on changes made by the Standards Committee, FBI staff, and the Compact Council,**

revise Section 2.01 to read as follows: Prior to engaging in outsourcing any noncriminal justice administrative functions, the Authorized Recipient shall: (a) request and receive written permission from (1) the State Compact Officer/Chief Administrator or (2) the FBI Compact Officer; (b) provide the Compact Officer/Chief Administrator copies of the specific authority for the outsourced work, criminal history record check requirements, and/or a copy of the contract as requested; and (c) inquire of the FBI Compact Officer whether a prospective Contractor has any security violations (See Section 8.04). The FBI Compact Officer will report those findings to the Authorized Recipient and, when applicable, to the State Compact Officer/Chief Administrator. Mr. Michael Timmerman seconded the motion. Motion carried.

Comment #4 - Section 2.02

**Compact Council Action:** Mr. Paul Heppner made a motion that the Council accept the Standards Committee recommended change to Section 2.02, by adding the words "or agreement" after the word "contract." Mr. Michael Timmerman seconded the motion. Motion carried.

Comment #5 - Section 2.03 a

**Compact Council Action:** Mr. Paul Heppner made a motion that the Council accept the Standards Committee recommendation to amend Section 2.03 a. and footnote 4 by adding the words "or authorized" after the word "required" in Section 2.03 a. and after the word "mandated" in footnote 4. Mr. Michael Timmerman seconded the motion. Motion carried.

Comment #6 - Section 3.04

**Compact Council Action:** Mr. Paul Heppner moved that the Council accept the Standards Committee recommendation to add the words "from the Compact Officer/Chief Administrator" in Section 3.04 as follows: "Immediate training shall be provided upon receipt of notice from the Compact Officer/Chief Administrator on any changes to federal and state laws, regulations, ...." Mr. Michael Timmerman seconded the motion. Motion carried.

Comment #7 - Section 3.05

**Compact Council Action:** Mr. Paul Heppner made a motion that the Council accept the Standards Committee recommendation to make no change to the existing language in Section 3.05. Mr. Michael Timmerman seconded the motion. Motion carried.

Comment #8 - Section 3.06

**Compact Council Action:** Mr. Paul Heppner made a motion that the Council accept the Standards Committee recommendation to make no change to the existing language in Section 3.06. Mr. Michael Timmerman seconded the motion. Motion carried.

Comment #9 - Section 6.02

**Compact Council Action:** Mr. Paul Heppner made a motion that the Council accept the Standards Committee recommendation to replace the phrase "support personnel, contractors, and custodial workers" with the phrase "non-Contractor personnel" in Section 6.02. Mr. Michael Timmerman seconded the motion. Motion carried.

Comment #10 - Section 8.01 c

**Compact Council Action:** Mr. Bill Casey made a motion to make no language changes in Section 8.01 c. Mr. Rusty Featherstone seconded the motion. Motion carried.

Comment #11 - Section 8.03 a

**Compact Council Action:** Mr. Paul Heppner made a motion that the Council accept the Standards Committee recommendation to make no change to the existing language in Section 8.03 a. Mr. Bill Casey seconded the motion. Motion carried.

Comment #12 - Section 9.03

**Compact Council Action:** Mr. Paul Heppner made a motion that the Council accept the Standards Committee recommendation to add the following sentence at the end of footnote 5 in Section 9.03: The Compact Council, Authorized Recipients, and the Compact Officer/Chief Administrator have the explicit authority to require more stringent standards than those contained in the Outsourcing Standard. Mr. Michael Timmerman seconded the motion. Motion carried.

**Topic 2A**      **Standards Committee Report on the Combined "Security and Management Control Outsourcing Standard" (Standard)**

Mr. James Princeton Gray, FBI's Council staff, presented this topic to the Council. He explained that two standards were published in the Federal Register, one for channelers and one for

non-channelers. With the exception of a few additional provisions in the channeler standard, the language of the two standards are identical.

In August 2004, the Department of Justice's (DOJ) Office of Legal Policy (OLP) advised that the Outsourcing Standards were approximately 25 pages each and included redundant information. If the Outsourcing Standards were consolidated, there could be one 25 page document which would be more understandable and concise. Although the Council considered consolidating the Outsourcing Standards at its November 2004 Council meeting, it proceeded with publishing the two Outsourcing Standards to avoid any delay in publishing. Subsequently, the FBI Council staff was directed to consolidate the Standards into one Standard. At its March 2005 meeting, the Standards Committee reviewed the consolidated standard and made a motion to recommend its use. Accordingly, the consolidated standard was provided as Attachment 1 to Topic #2A to Council meeting attendees prior to the meeting.

Mr. Gray noted all changes to the Standards made during today's Council's discussion on Topic #2 will be included in the consolidated standard.

Mr. Gray noted only the following three changes were necessary to consolidate the Standards into one Standard:

- (1) struck "For Channelers Only" at the top of page one;
- (2) added the bolded paragraph on page two to explain that the highlighted portions of the outsourcing standard are applicable to channelers only; and
- (3) highlighted portions of the Standard that were applicable to channelers only.

Mr. Gray suggested that underlining the provisions applicable to channelers only may be a better option than highlighting, due to future copying of the document.

**Compact Council Action: Mr. Paul Heppner made a motion that the Council consolidate the Standard as recommended; change the highlighted text to underlined text; and publish the consolidated Standard in the Federal Register. Mr. Bill Casey seconded the motion. Motion carried.**

Chairman Uzzell requested that any suggested language changes to the combined Standard be submitted in writing to the Standards Committee for consideration at its August 2005 meeting. The Council will forward the combined Standard to the Security and Access Subcommittee for review during its October 2005 meeting and to the CJIS Advisory Policy Board (APB) for review during its December 2005 meeting if any substantive changes to the Standards were made at the August 2005 Standards Committee meeting.

### **Topic #3**      **Update on HAZMAT Program**

Ms. Cathy Morrison, Transportation Security Administration (TSA), provided an update on the TSA Hazardous Material (HAZMAT) Threat Assessment program via a conference call and a PowerPoint presentation. Council meeting attendees received a copy of Ms. Morrison's PowerPoint presentation. **(Attachment 3)**

Ms. Paula Barron, FBI's Council staff, stated that from January 31 through April 13, 2005, the CJIS Division processed 24,300 HAZMAT fingerprint submissions with a reject rate of 2.2%. The identification rate on these submissions was 26.7%; however, a higher than normal ident rate was anticipated for these applicant submissions and the existence of a criminal record is not a disqualifier.

Chairman Uzzell discussed with Ms. Morrison the length of time it is taking for obtaining HAZMAT endorsements. Ms. Morrison stated it's typically not a delay in receiving the CHRI but a delay at TSA in integrating the CHRI and the state motor vehicle information.

Ms. Morrison addressed a concern regarding HAZMAT renewals. Ms. Morrison noted that TSA's regulation regarding a renewal provides that a state may extend the expiration date automatically for 90 days if they so choose. At the end of that 90 day extension, if the result has not been returned, a second 90 day extension request can be made to TSA. During this time frame, the driver may be employed to drive. Ms. Morrison also mentioned TSA is working on an addition to the regulation which allows applicants to continue to drive until the results are returned.

Ms. Morrison concluded her presentation by thanking the Council for permitting TSA to provide its update via a conference call.

**Compact Council Action:** This topic was accepted as information only.

### **Topic #4**      **Two-Print Pilot with Department of State (DOS)**

Ms. Debbie M. Chapman, CJIS Division staff, and Mr. David Boyd, DOS, presented this topic. Ms. Chapman provided the Council with the specific objectives of the DOS pilots, the ten-print pilot and the two-print pilot. **(Attachment 4)** Ms. Chapman addressed the type of checks performed on all visa applicants. Mr. Boyd advised that the two-print fingerprint is captured and then submitted to Integrated Automated Fingerprint Identification System (IAFIS). Also, the consulate/embassy conducts a name-based search of Consular Lookout And Support System (CLASS). Ms. Chapman provided the Council with a success story resulting from the pilot program.

Ms. Chapman mentioned the two-print pilot is in the process of being expanded. The same two prints that are submitted to U.S. Visitor and Immigrant Status Indicator Technology (U.S. VISIT)



are then sent to IAFIS. CJIS Division requires the DOS to include an FBI number in the submissions. IAFIS verifies the fingerprints with the quoted FBI number. If the identity is confirmed, the CHRI is returned to the DOS to assist in their decision of issuing a visa. The pilot began with San Salvador and was expanded to include London, England and Kingston, Jamaica. The pilot may be expanded to include other Mexican consulate offices as well.

Next, Mr. Boyd provided a live computer demonstration of the project to the attendees. He summarized the electronic submission process as going to the FBI and being returned with a response within 24 hours. Upon receipt, posts, consulates, and embassies are notified, through DOS database and other agencies, that the response is available.

Mr. Boyd described the steps involved in the visa applicant process, noting that there are approximately 40,000 to 50,000 IAFIS submissions processed a year and currently only 20 to 25% are being done electronically. It is anticipated that through the software and utilization of electronic images, the time involved for collection of prints can be reduced from approximately 15 minutes per applicant at their Mexican posts to between 90 seconds and two minutes for submission. This further equates to reducing current man-hours of work time from the present 11,000 hours to approximately 1,700 hours.

Mr. Boyd thanked the Council and the CJIS Division for their support of the pilots to this point and looks forward to future continued work with both groups.

**Compact Council Action: This topic was accepted as information only.**

## **Topic #5      User Fee Ad-Hoc Committee Report**

Lt. Thomas Turner, Chairman of the User Fee Ad-Hoc Committee (Committee), reminded the Council that in May 2004 Chairman Uzzell established the Committee to review draft federal legislation as well as state and federal user fee programs.

Four states provided the Committee with an overview of their user fee programs. Based on the information provided, the Committee identified a clear disparity of repository costs for conducting background checks. Accordingly, the Committee recommended that states be surveyed to identify why there is such a disparity in state fees for state background checks. SEARCH distributed the survey and compiled the results. Results of the survey will be presented by Mr. Owen Greenspan at the fall 2005 Council meeting.

The Committee also made a recommendation that the language of the FBI's current fingerprint fee be changed to explain the \$2 rebate for states that are billed directly by the CJIS Division. This language change is currently being drafted by the CJIS Division.

Mr. Turner informed the Council that the Committee has reviewed the following federal legislation: the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act, Senate Bill 2845, the Intelligence Reform Act, the Medicaid Prescription Drug and Modernization Act of 2005, and the pilot programs. Chairman Uzzell requested that the Committee work with the National Conference of State Liquor Administrators to establish a policy and mechanism for contractors to serve as multi-state channelers.

The Committee recommended that the Council closely monitor federal legislation requiring state and federal criminal history record checks. The Committee concluded that there is a need to educate both state and federal law makers on the Compact, the role of the Compact and the Council, and the benefits of legislation requiring both a state and a federal background check. Chairman Uzzell thanked Mr. Turner for serving as Chairman of the Committee and the work of the Committee.

Based on the Committee's recommendations, Chairman Uzzell formed a Policy and Planning Committee and appointed Mr. David Sim as the Policy and Planning Committee Chair. The Policy and Planning Committee will be responsible for recommendations concerning state and national background checks as well as the Council's Strategic Plan. Members of the User Fee Ad-Hoc Committee will become the members of the new Policy and Planning Committee.

**Compact Council Action:** This topic was accepted as information only.

**Topic #6**      **Status of the Task Force to Define the Criteria that should be used to determine if Access to Interstate Identification Index (III) Data falls under the Administration of Criminal or Noncriminal Justice Purposes**

Mr. Commodore introduced this topic, stating that based on a motion from the November 2004 Council meeting, the CJIS Division was asked to establish an ad hoc committee between the CJIS APB and the Council to explore the usage of III on federal installations for site security purposes. He noted a meeting was held at the Spring 2005 CJIS APB Working Group meetings.

Mr. Gray presented the topic, explaining that the CJIS Division staff was requested to conduct research on whether the SCIA provides any authority for III name-based checks of contractors or visitors entering federal office buildings, court houses, or sensitive state facilities for site security purposes. He advised that the CJIS Division staff is currently conducting the research which should soon be completed. Chairman Uzzell noted that SCIA may already provide the authority for the III name-based checks. Upon completion of the research, the Council and CJIS APB personnel will meet via a conference call to discuss the results.

**Compact Council Action:** This topic was accepted as information only.

**Topic #7**      **Standards Committee Report on the Draft Notice for Federal Emergency Management Agency (FEMA) Criminal History Record Checks**

Chairman Uzzell provided background information on this topic. At the November 2004 Council meeting, a motion was made to accept the Federal Emergency Management Agency (FEMA) proposal for purpose code X usage and publish it in the form of a notice in the Federal Register. The Standards Committee reviewed the notice in March 2005 and recommended to forward the notice as drafted to the Council. The Council was asked to review the notice and, if approved, publish the notice in the Federal Register.

Mr. Gray presented the notice and FEMA's formal request to the Council for its consideration. He noted that on page two of the notice 15 working days should be changed to five working days. He also advised that the notice, upon the Council's approval, will be reviewed by DOJ prior to publication in the Federal Register.

**Compact Council Action:** Mr. David Sim made a motion that the Compact Council publish the FEMA notice in the Federal Register. The motion was seconded by Mr. Jonathan Frenkel. Motion carried.

**Topic #8**      **Public Law (Pub. L.) 105-277 Submissions From a State Agency Other than the State Identification Bureau (SIB)**

Mr. Danny Moye, FBI's Office of General Counsel (OGC), Access Integrity Unit (AIU) presented this topic which deals with the submission of fingerprints from a state agency other than the State Identification Bureau (SIB) for Pub L. 105-277 submissions. He noted the paper was written by Mr. Hal Sklar, OGC, and is provided to the Council for information only. The paper was also provided at the Spring 2005 CJIS APB Working Groups and Identification Services Subcommittee meetings.

Mr. Moye provided a background of Public Law 105-277. The law was passed in 1999 by the US Congress authorizing the submission of fingerprints for direct care positions in nursing homes and home health care agencies through a state agency to the FBI. The law did not address whether or not state checks could be performed and that question was presented to the OGC AIU, for a response. OGC opined that state checks could be conducted prior to a national check under this authority and a state could charge an administrative fee to offset the costs of fingerprint processing.

Congress required a report on Pub. L. 105-277 submissions. When the report was submitted to Congress in 2002, utilization of the statute was minimal. For example, New York did not submit any fingerprints. The New York Department of Health inquired of the AIU as to whether a department other than the SIB could submit Pub. L. 105-277 submissions directly to the FBI. The volume estimated was 100,000 to 180,000 checks annually. Upon researching this inquiry, AIU concluded that the proposal would not violate the FBI's Single Source Policy.

Chairman Uzzell also noted that the New York State Criminal History Repository "opted out" of processing the submissions; therefore, the New York Department of Health was not by-passing the state agency in the process. The Council will receive statistical information from the New York project.

**Compact Council Action: This topic was accepted as information only.**

**Topic #9      Strategic Plan Update**

Mr. Commodore presented this topic. In 2002, the Council approved a five-year strategic plan, including its mission and goals. Ms. Uzzell requested the Strategic Plan be updated. Attachment 1 to the staff paper provides the status tables on each of the Council's goals.

Ms. Uzzell requested Council members and State Compact Officers review the updated Strategic Plan and provide any comments to Mr. Commodore. She will forward the plan and any submitted comments to the Policy and Planning Committee for its review and suggestions. The general intent of the Strategic Plan is to determine short and long term goals for the Council and to note the accomplishments of meeting those goals.

**Compact Council Action: This topic was accepted as information only.**

**Topic 10      Sanctions Committee Report**

Ms. Julie LeTourneau, Chairman of the Sanctions Committee, reported that during the May 10, 2005 Sanctions Committee meeting, the Committee reviewed the recently conducted IAFIS audits from eight states based upon the proposed Sanctions Rule. The Sanctions Committee reviewed the CJIS Audit Unit's (CAU) findings regarding the NFF state for NFF compliance, as well as other Compact-related compliance issues. The CAU also reported on audits of those states that signed a Memorandum of Understanding (MOU) for compliance with the Compact and applicable Council rules. Additionally, the CAU reported on audits of the Compact signatory states for compliance with the Compact and NFF Qualification Requirements. Further, the CAU reported on audits of non-MOU, non-Compact states for compliance with applicable Council rules. The Sanctions Committee recommended sending letters to the audited states based on the above criteria and upon approval of the Council Chairman. If approved, the letters will be sent after the Sanctions Rule is published. Under the Rule, the Sanctions Committee shall report any serious violations requiring redress and recommend a course of action to the Council. On behalf of the Sanctions Committee, Chairman LeTourneau reported that none of the states reviewed had any serious violations. Chairman LeTourneau stated that, in addition to IAFIS audit results, the Sanctions Committee will also review NCIC audit results pertaining to III misuse for noncriminal justice purposes at future Sanctions Committee meetings.

Next, the Sanctions Committee reviewed the letters that were originally drafted for review at the November 2004 Sanctions Committee meeting. The letters will be modified and forwarded to the Council Chairman for approval. If approved, the letters will be sent after the Sanctions Rule is published.

Ms. LeTourneau next referred to the Sanctions Rule that was distributed to Council members and State Compact Officers. The Sanctions Committee reviewed the final draft of the Sanctions Rule and recommended that the Council consider that it be published as final in the Federal Register.

**Compact Council Action: Ms. Julie LeTourneau made a motion for the Council to publish the Sanctions Rule in the Federal Register as final. The motion was seconded by Lt. John O'Brien. Motion carried.**

Chairman LeTourneau then provided an update on the IAFIS pilot audits of the noncriminal justice use of criminal history information. The FBI CAU provided the Sanctions Committee the IAFIS Audit Methodology and the IAFIS pilot audit results and evaluations. The Sanctions Committee requested the FBI CAU enhance the IAFIS Audit Methodology to include samples of pre-audit and on-site questionnaires and a training proposal. The IAFIS Audit Methodology would not include outsourcing. The Sanctions Committee recommended that the official IAFIS noncriminal justice agency audits begin no later than October 2008, if the IAFIS Audit Methodology is revised accordingly. The IAFIS Audit Methodology and time line for implementation of the IAFIS audits for the noncriminal justice use of criminal history information will be provided at the November 2005 Council meeting for review and discussion.

**Compact Council Action: Mr. Rusty Featherstone made a motion to begin the official IAFIS noncriminal justice agency audits no earlier than October 1, 2008. The motion was seconded by Mr. Paul Heppner. Motion carried.**

Ms. Uzzell stated that following the November 2005 Council meeting, information would be provided to the states advising them about the IAFIS noncriminal justice agency audits, to include the audit methodology and time line for implementation.

#### **Additional Item - Sanctions Committee Report (Continued)**

**Compact Council Action: Ms. Julie LeTourneau made a motion that the Council reconsider the previous motion regarding the publishing of the Sanctions Rule. The motion was seconded by Mr. John O'Brien. Motion carried.**

Mr. William Casey requested some revisions to the Sanctions Rule. Mr. Casey requested that the Sanctions Rule be sent back to the Executive Committee for some changes.

**Compact Council Action: Mr. William Casey moved to add a friendly amendment to the Sanctions Rule motion as follows: send the Sanctions Rule back to the FBI staff for some wordsmithing to honor the agreement with the CJIS APB, that for nonparty, non-MOU states, all Council recommendations would go to the Director of the FBI. The Executive Committee will review the changes and as long as the intent of the rule is not changed, the rule will then be published in the Federal Register. Motion carried.**

## **Topic 11      Discussion on the Intelligence Reform and Terrorism Prevention Act**

Ms. Barron provided an overview of Section 6401, 6402, and 6403 of the Intelligence Reform and Terrorism Prevention Act (Act). Section 6401 extends the PROTECT Act pilot from 18 months to 30 months. Section 6402 authorizes a fingerprint-based check of state and national criminal history records to screen prospective and current private security officers. Section 6402(d)(2) requires the Attorney General (AG) to issue regulations within 180 days of the Act's passage (December 17, 2004). The FBI's AIU drafted the regulations for review by the DOJ's OLP and OGC. Section 6403(d) provides that the AG will make recommendations to Congress for improving, standardizing and consolidating the existing statutory operations and procedures for the conduct of criminal history record checks for noncriminal justice purposes. Section 6403(e) provides that the AG shall consult with representatives from criminal history record repositories, the Council, and appropriate representatives of private industries and labor. Ms. Barron reported no progress on the AG's recommendations.

Mr. Frank Campbell, DOJ OLP, provided some comments on Section 6403 of the Act. He stated DOJ is drafting a notice to be published in the Federal Register soliciting comments on the issues that are required to be addressed in the Section 6403(d) report to the Attorney General. The Act requires the AG to look at a broad set of issues relating to noncriminal justice background checks including providing information about the number of criminal history checks that are now requested including the type of information requested, the usage of the different terms regarding criminal history information, and the variation in fees for such information and who pays the fees. In addition, the Act requires the AG to make recommendations to Congress for improving, standardizing and consolidating the existing statutory authorizations, programs and procedures for the conduct of the criminal history record checks for noncriminal justice purposes. The Act requires the AG to consult with the Council in developing its recommendations.

Chairman Uzzell requested the Policy and Planning Committee address the issues and develop a set of recommendations for approval by the Council. It was suggested that the Policy and Planning Committee meet in conjunction with the July 2005 SEARCH meeting in Washington, DC.

**Compact Council Action: This topic was accepted as information only.**

**Additional Item**

Chairman Uzzell mentioned that an election for five State Compact Officers on the Council will be held prior to the November 2005 Council meeting. Ms. Uzzell will be soliciting nominations in June and the election will be held in July.

**Topic 12      Compact Council Web Site Update**

Ms. Joyce Wilkerson, FBI's Council staff, presented an update on the Council Web site. She reported that at the November 2004 Council meeting, a motion was made for the FBI Compact office staff to establish a Web site hosted on [www.fbi.gov](http://www.fbi.gov) to provide up-to-date information regarding the Council's structure, committees, and upcoming meeting information as well as the Compact itself, historical documentation, published rules, notices, etc. Based on the Council's recommendation, a new Web site was created that will be located at the URL address, [www.fbi.gov](http://www.fbi.gov). Ms. Wilkerson then provided the Council with a mock demonstration of the Web site. **(Attachment 5)**

Ms. Wilkerson informed the Council that the FBI's Office of Public Affairs (OPA) performs the actual updates to the Web site and OPA indicated it will take one to two days for the Web site to reflect any changes. Ms. Wilkerson explained the Council could delegate the authority to make changes to the Council Web site to the FBI Compact Officer. The Council agreed that only items that are deemed final will be posted to the Web site. The Council made no formal motions on this topic, but requested the FBI Compact Officer and staff maintain the site.

**Compact Council Action: This topic was accepted as information only.**

**Topic 13      Revised Standardized Reasons Fingerprinted for Civil/Applicant Fingerprint Submissions**

Ms. Chapman presented the revised list of standardized reasons fingerprinted for civil/applicant fingerprint submissions. **(Attachment 6)** The Council previously reviewed a list of standardized reasons fingerprinted; however, on June 20, 2004, the CJIS Division's Executive Staff directed the revision of the Standardized Reasons Fingerprinted list to support user fee statistical reporting. Ms. Chapman stated the Council's Standards Committee and CJIS APB Working Groups endorsed the revised list. Mr. Paul Heppner summarized the discussion on the topic from the Identification Services Subcommittee meeting.

**Compact Council Action:** Mr. Paul Heppner made a motion to endorse the Identification Services Subcommittee motion. The motion was seconded by Mr. Robert Finlayson. Motion carried.

#### **Topic 14**      **Legislative Update**

Mr. Moye, presented this topic. Mr. Moye briefed the Council on the Jessica Lunsford Act and Mr. Frenkel briefed the Council on the Real ID Act.

**Compact Council Action:** This topic was accepted as information only.

#### **Topic 15**      **Status Report on Pending Rules and Notices**

Ms. Barron provided a report on the following Council pending rules and notices.

#### **Record Screening Rule**

Ms. Barron reported the proposed Record Screening Rule was published on February 17, 2005, with a thirty-day comment period. No comments were received; therefore, FBI staff prepared for consideration by the Council a final Record Screening Rule.

**Compact Council Action:** Mr. David Sim made a motion to forward the Record Screening Rule as final for publication in the Federal Register. The motion was seconded by Mr. Paul Heppner. Motion carried.

#### **NFF Qualification Requirements Rule and Notice**

Ms. Barron reported the Department of Justice (DOJ) conducted its final review of the NFF Qualification Requirements Proposed Rule. Ms. Barron guided the Council through the DOJ comments. The NFF Notice was not included because DOJ made no recommended changes to the document.

**Compact Council Action:** Mr. David Sim made a motion to publish the NFF Qualification Requirements Proposed Rule and Notice in the Federal Register. The motion was seconded by Mr. Paul Heppner. Motion carried.

#### **Fingerprint Submission Requirements Rule**

Ms. Barron reported the Fingerprints Submission Requirements Rule is ready for publication as final. It was previously published as a proposed amended rule in December 2003. At that time, the



Council approved amending the language in the original version of the rule to define "time frame" and add language to indicate that the rule could also apply to federal agencies. DOJ reviewed and provided comments on the final Fingerprint Submission Requirements Rule language. Ms. Barron guided the Council through the DOJ comments.

**Compact Council Action:** Mr. Paul Heppner made a motion for FBI staff to prepare the Fingerprint Submission Requirements Rule, with the suggested language changes, as final to be published in the Federal Register. The motion was seconded by Mr. Rusty Featherstone. Motion carried.

#### **Draft Notice on the Compact Council's Definition of Positive ID**

Ms. Barron briefed the Council on the draft notice on the Council's definition of positive identification. The notice was reviewed at the November 2004 Council meeting and at that time a motion was made to publish it as a proposed notice with a caveat that the DOJ will go back and review it and determine if the notice was the proper method by which to publish the document. Ms. Barron reported DOJ opined that the definition of positive identifications could be published as a notice. Therefore, FBI staff is finalizing the document for publication. The Council, State Compact Officers, and CJIS APB members will be advised upon publication.

**Compact Council Action:** This topic was accepted as information only.

#### **Topic 16      Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act Update**

Mr. Allen Nash, CJIS Division staff, presented the PROTECT Act update. Mr. Nash stated that in December 2005, the pilot program was extended until January 2006. As of May 6, 2005, the FBI received 9,976 submissions from either the pilot states or directly from the volunteer organizations. Of the total submissions, 1,707 were rejected which equates to a 17% reject rate. When the pilot first started, the reject rate approximated 22%. A total of 8,269 submissions were processed, with 804 resulting in identifications. The National Mentoring Partnership submitted 5,479; the Boys and Girls Club submitted 2,544, and the National Council of Youth Sports submitted 234. Mr. Nash explained that out of all the identifications that were submitted to the National Center for Missing and Exploited Children, 91% were determined as green with no disqualifying information, 2% as red with disqualifying information, 5% as yellow with unclear arrest information, and 2% as green with a record.

Next, Mr. Nash discussed the following three FBI studies currently being performed in conjunction with the PROTECT ACT submission. The FBI will compare (1) the hits on FBI records versus the hits on state records (after checking 1,000 records, 28 additional hits were received by checking the state record) , (2) the content of the FBI record versus the content of the state record, and (3) the content of the FBI record versus the commercial database record.

Mr. Nash mentioned that the FBI updated the interim PROTECT Act report based on a request from DOJ to include Bureau of Labor Statistics numbers on volunteerism, Florida's model which included providing criminal history information to qualified entities, information regarding privacy and security, and the use of commercial databases.

**Compact Council Action:** This topic was accepted as information only.

**Topic 17**      **Next Generation Integrated Automated Fingerprint Identification System (IAFIS) Update**

Mr. Gary Barron, CJIS Division staff, presented this topic (**Attachment 7**). Mr. Barron provided and summarized the Next Generation IAFIS (NGI) initiatives: (1) Quality Check (QC) Automation, (2) Interstate Photo System (Mugshots), (3) Disposition Reporting Improvements, (4) Advanced Fingerprint Identification Technology, including the Enhanced Terrorist Identification Service (ETIS), (5) Enhanced IAFIS Repository, including Rap Back, and (6) National Palm Print System (NPPS).

Mr. Barron stated NGI is currently in the procurement phase with hopes of having a Contractor on board by July 2005. The Contractor will conduct a user requirements review with groups such as the Compact Council, Compact Council Standards Committee, the CJIS APB, international community, FBI Laboratory, and State Identification Bureaus. Once the review is conducted, Concepts of Operations for NGI will be completed, functional and system requirements will be developed, and the developmental phase for NGU will begin.

Chairman Uzzell offered the services of the newly formed Policy and Planning Committee for Council input on NGI initiatives.

**Compact Council Action:** This topic was accepted as information only.

**Topic 18**      **Advisory Policy Board Update**

Mr. Casey, Boston Police Department, provided an update on the CJIS APB. The CJIS APB met on December 1-2, 2004. The FBI Director attended the meeting and addressed the CJIS APB. The APB supported the N-DEx project and assumed the governance of N-DEx.

The CJIS APB referred the international access to NCIC to the FBI for discussion at subsequent CJIS APB meetings.

Regarding a Biometric Driver's License, the CJIS APB made a recommendation to renew its support for a secured driver's license and appropriate standards as was recommended by the 9-11 Commission.

Executive Director Grant Ashley of the FBI asked the CJIS APB to review 28 CFR 20.33(a)(1). The APB recommended to amend 28 CFR Section 20.33(a)(1) as follows:

To criminal justice agencies for criminal justice purposes, which purposes include (i) the screening of employees or applicants for employment hired by criminal justice agencies; and (ii) the credentialing of current and retired law enforcement officers pursuant to Public Law 108-277.

Next, Mr. Casey reported the results of the CJIS APB elections. Mr. Frank Sleeter was elected as Chairman, Mr. Paul Heppner was elected as 1st Vice-Chairman, and Mr. Randy Reed was elected as 2nd Vice-Chairman. The next CJIS APB meeting is scheduled for June 15-16, 2005, in Dallas, Texas.

The Council meeting was adjourned at 11:58 a.m.

## *Compact Council Minutes, Attachment #1*

### List of Attendees

<b>Title</b>	<b>First</b>	<b>Last</b>	<b>Agency</b>
Mr.	Francis X.	Aumand III	Vermont Department of Public Safety
Ms.	Paula A.	Barron	Federal Bureau of Investigation
Mr.	Gary S.	Barron	Federal Bureau of Investigation
Capt.	Brad	Bates	Kentucky State Police
Ms.	Leslie A.	Bellus	National Background Check, Inc.
Mr.	David J.	Boyd	Department of State
Ms.	Wendy L.	Brinkley	North Carolina State Bureau of Investigation
Mr.	Thomas E.	Bush III	Federal Bureau of Investigation
Mr.	Frank	Campbell	U.S. Department of Justice
Mr.	William	Casey	Boston Police Department
Ms.	Debbie M.	Chapman	Federal Bureau of Investigation
Mr.	Todd C.	Commodore	Federal Bureau of Investigation
Ms.	Elaine	Cropper	Canyon State Reporting, Ltd.
Mr.	Aaron	Dote	National Background Check, Inc.
Ms.	Pamela	Dover	Nevada Department of Public Safety
Ms.	Rebecca S.	Durrett	Federal Bureau of Investigation
Mr.	Rusty	Featherstone	Oklahoma State Bureau of Investigation
Mr.	Richard	Fenrich	Identification International, Inc.
Mr.	Robert M.	Finlayson, III	Georgia Department of Human Resources
Mr.	Jonathan	Frenkel	Department of Homeland Security
Ms.	Cora	Gentry	Arkansas State Police
Mr.	Joe	Gillis	NEC Solutions America
Mr.	James P.	Gray	Federal Bureau of Investigation
Mr.	Paul C.	Heppner	Georgia Bureau of Investigation
Mr.	Robert H.	Holloran, Jr.	National Background Data, LLC
Ms.	Linda	Hondros	National Background Check, Inc.
Mr.	Trey	Isaacks	SAGEM MORPHO, Inc.
Mr.	Robert T.	Jackson	SAGEM MORPHO, Inc.
Mr.	Jeffrey R.	Kellett	New Hampshire State Police
Ms.	Lori A.	Kemp	Federal Bureau of Investigation
Mr.	Michael	Kirkpatrick	
Ms.	Tina	Lapp	National Background Check, Inc.
Mr.	Eric M.	Lapp	National Background Check, Inc.
Lt. Colonel	Shelby	Lawson	Kentucky State Police
Ms.	Adrienne L.	Leach	Federal Bureau of Investigation
Ms.	Julie	LeTourneau	Minnesota Bureau of Criminal Apprehension
Mr.	Jon	Liba	National Background Check, Inc.
Mr.	John	Loverude	ATS
Ms.	Robyn	Lyles	Maryland Department of Public Safety & Correctional Services
Ms.	Angell	Magnani	Iowa Department of Public Safety

## *Compact Council Minutes, Attachment #1*

### List of Attendees

Mr.	William L.	Marosy	U.S. Office of Personnel Management Federal Investigative Service
Captain	Scott	Martin	Connecticut State Police
Captain	Timothy P.	McGrail	Missouri State Highway Patrol
Mr.	Robert W.	McKeever	
Ms.	Tina	Medich	California Department of Justice
Ms.	Liane M.	Moriyama	Department of the Attorney General Hawaii Criminal Justice Data Center
Mr.	Danny R.	Moye	Federal Bureau of Investigation
Mr.	Allen Wayne	Nash	Federal Bureau of Investigation
Mr.	Stuart	Nathan	Maryland Department of Public Safety & Correctional Services
Lieutenant	John H.	O'Brien	New Jersey Division of State Police
Mr.	Mike	Pearson	Smiths Detection, Inc.
Mr.	Michael M.	Powers	Biometric Information Management
Mr.	Gerard F.	Ramker	Bureau of Justice Statistics
Mr.	Marcel D.	Reid	Illinois State Police
Ms.	Pam	Ritchey	Iowa Department of Public Safety
Mr.	Julio	Rosa	Department of Justice
Ms	Andree E.	Rose	Perserel/Northrop Grumman
Mr.	Jeffrey A.	Rossi	Ohio Attorney General, BCI & I
Mr.	David G.	Sim	Kansas Bureau of Investigation
Ms.	Kimberly K.	Smith	Federal Bureau of Investigation
Mr.	John	Souder	NEC Solutions
Ms.	Robin A.	Stark	Federal Bureau of Investigation
Ms.	Janna L.	Stewart	State of Alaska Department of Public Safety
Ms.	June	Still	Tennessee Bureau of Investigation
Ms.	Pam	Storm	Choicepoint
Mr.	Bruce D.	Thomas Jr	UNISYS Corporation
Mr.	Mike	Timmerman	Arizona Department of Public Safety
Mr.	T. W.	Turner	Virginia State Police
Ms.	Donna M.	Uzzell	Florida Department of Law Enforcement
Ms.	Lisa	Vincent Stout	Federal Bureau of Investigation
Ms.	H. Elizabeth	Wenchel	SAGEM Morpho Inc.
Ms.	Joyce R.	Wilkerson	Federal Bureau of Investigation
Mr.	Jonathan D.	Williams	Federal Bureau of Investigation
Mr.	Karl	Wilmes	Colorado Bureau of Investigation

**Privacy and Information Quality**

**Compact Council Meeting  
May 11, 2005**

**Francis X. (Paco) Aumand III  
Vermont Department of Public  
Safety  
Division of Criminal Justice  
Services**

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**Objective of Privacy Concerns**

- To define privacy, right to privacy and information privacy.
- To illustrate the need to be concerned about privacy.
- To show how privacy issues are incorporated in some fundamental principles of CHRI.
- To illustrate why privacy policy is important.
- To provide a simple framework for the development of privacy policy.

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**Privacy - How do we define it?**

“Privacy is the power to  
selectively reveal oneself to  
the world.”

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Privacy

- The appropriate use of *personal identifying information* under the circumstances. What is appropriate will depend on the context, **law** and the individual's expectation.

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Right to Privacy

- The possible right to be left alone, in the absence of some *“reasonable” public interest* in a person's activities.

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*“Information Privacy relates to one’s personal information.”*

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Personal Identifying Information

- *Personally identifiable information* is one or more pieces of information, when considered together, or combined with other information, and when considered in the context of how it is presented or how it is gathered, is sufficient to specify a unique individual.
- The pieces of information can be a) personal characteristics b) a unique set of numbers or characters assigned to a specific individual, c) descriptions of event(s) or points in time, or d) descriptions of location(s) or places.

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Building systems with silos of information

<b>Criminal History</b>	<b>Intelligence Systems</b>	<b>CAD/RMS</b>	<b>Integrated Systems</b>
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“Garbage In, gospel Out”

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Protection of  
*information*  
*privacy* serves at  
least five  
interests that are  
critical to a  
democracy.

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Five Interests

- Ensure decisions are made with the notion towards *due process* and *fairness*.
- To protect *individual dignity*.
- To protect *individual autonomy*.
- To promote *trust* in, and check upon the *behavior* of institutions.
- To promote relationships that are critical to the *effective functioning* of a democratic society.

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The right to privacy balanced against the administration of justice, protecting the public and the public's right to know continues to provide a framework for fair information practices in the U.S.

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Key Findings

U.S. adults' concern about misuse of personal information extends to criminal history (and related) records, but . . .

Most are willing to give up some privacy protection if the trade-off results in a benefit to the public, such as increased safety, crime prevention or the protection of children.

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Privacy standards for CHRI have been left largely to statutory and regulatory initiatives.

Today, a relatively stable and uniform approach to protecting privacy of CHRI is in place throughout the United States.

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Five Fundamental Principles

- Subject access and correction.
- Restrictions on the collection and/or integration of criminal history information.
- Data quality and data maintenance safeguards.
- Security.
- Use and disclosure.

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Eight Privacy Design Principles

- Purpose Specification
- Collection Limitation
- Data Quality
- Use Limitation
- Security Safeguards
- Openness
- Individual Participation
- Accountability

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Privacy Policy

- Mapping data flows
- Determining data sensitivity
- Using a policy design template

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Mapping Data Flows

- Mapping involves preparing a flowchart depicting each stage of the justice process and determining what information is collected, accessed, used, and disclosed at those stages.

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Determining Data Sensitivity

*Red-light Information, not disseminated outside the holding agency.*

*Yellow-light Information.* It is not always available to other agencies or the public.

*Green-light Information.* It is available, by law or tradition, to justice agencies or people or organizations upon general request.

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Privacy Policy Template

- *Purpose Statement.* This broad statement describes the justice agency's mandate, the need for information sharing, the privacy interests the agency seeks to protect, and the need for public access.
- *Privacy Policy Scope.* This sets out the framework of interests to be protected and how the policy will be enforced.

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Privacy Policy Template

- *Verification, Maintenance, and Correction of Information.* The agency spells out how it ensures data quality.
- *Access Statement.* The statement identifies the classification of information and which justice agencies have access to it, as well as identifies who may gain access to information under the "publicly accessible category."

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Privacy Policy Template

- *Access Method.* The method-of-access statement should reflect the agency's best attempt to deliver "yellow or green" information to other justice agencies and the public.

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"Privacy protects us from being objectified and simplified and judged out of context in a world of short attention spans, a world in which part of our identity can be mistaken for the whole of our identity".

Jeffrey Rosen  
Law Professor  
Georgetown University

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*In summary, privacy policy helps to protect the integrity of the our governmental systems.*

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Organizational Resources

- National Criminal Justice Association (NCJA)
- Search, The National Consortium For Justice Information and Statistics
- Illinois Criminal Justice Information Authority
- Department of Consumer Affairs, Office of Privacy Protection
- U.S. Department of Homeland Security, Privacy Office
- Global Justice Information Sharing Initiative (Global)

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Web Page Resources

- <http://www.ncja.org/pdf/privacyguideline.pdf>
- Report of the National Task Force on Privacy, Technology and Criminal Justice Information
- [http://it.ojp.gov/documents/200411\\_global\\_privacy\\_document.pdf](http://it.ojp.gov/documents/200411_global_privacy_document.pdf)
- [http://it.ojp.gov/topic.jsp?topic\\_id=42](http://it.ojp.gov/topic.jsp?topic_id=42)
- [http://it.ojp.gov/topic.jsp?topic\\_id=55](http://it.ojp.gov/topic.jsp?topic_id=55)
- [www.search.org/conferences/Presentations/Greenspan.ppt](http://www.search.org/conferences/Presentations/Greenspan.ppt)
- <http://www.ojp.usdoj.gov/bjs/crs.htm>
- <http://www.icjia.state.il.us/public/>
- <http://www.privacy.ca.gov/>

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# HAZMAT Threat Assessment Program

Compact Council

May 11, 2005

Columbus, OH



Transportation  
Security  
Administration

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# Background

**USA PATRIOT Act - Enacted by Congress following the September 11, 2001 terrorist attacks (Section 1012)**

- Prohibits states from issuing a Hazardous Materials Endorsement (HME) on a Commercial Drivers License (CDL) without first determining whether or not an individual seeking to transport hazardous materials (HAZMAT) poses a security risk.
- TSA implemented the Hazmat Threat Assessment Program to meet the requirements of the USA PATRIOT Act.
- TSA requires that truck drivers seeking to apply for, renew, or transfer an HME on their state-issued CDL undergo a security threat assessment, which includes a fingerprint-based FBI criminal history records check, an intelligence-related check, and immigration status verification.



HAZMAT Threat Assessment Program May 11, 2005 2

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# Implementation & Key Dates

- **Phase I** – Summer 2004; TSA completed, with assistance from CBP, named-based checks on all 2.7 million Hazmat drivers.
- DHS Secretary Ridge directed fingerprint-based criminal history record checks were to begin no later than January 31, 2005.
- December 27, 2004; Deadline for states to declare option of using the TSA Agent (HAZPRINT) or conducting collection of fingerprints, applicant information, and fees themselves.
- January 14, 2005 – Final fee rule published; fee-funded program.
- **Phase II** – January 31, 2005; FBI fingerprint-based CHRC, intelligence name check, and immigration status check for new HME applicants.
- **Phase III** – May 31, 2005; FBI fingerprint-based CHRC, intelligence name check, and immigration status check for new, renewal, and transfer HME applicants..



HAZMAT Threat Assessment Program May 11, 2005 3

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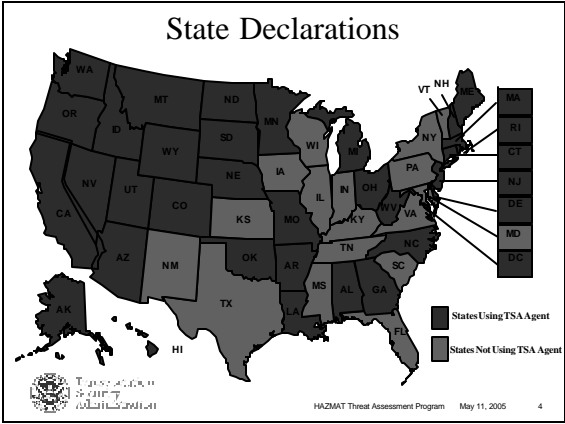
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### Fee Structure

**TSA Agent (HAZPRINT):**

- (1) Information Collection Fee: \$38
- (2) Threat Assessment Fee: \$34
- (3) FBI Fee: \$22
- **Total fee: \$94**

**States not Using TSA Agent:**

- (1) Information Collection Fee: varies from state to state, with approximate average of \$34
- (2) Threat Assessment Fee: \$34
- (3) FBI Fee of \$24 (provides \$2 handling fee/surcharge by the state)
- **Total fee: averages approximately \$92**

HAZMAT Threat Assessment Program May 11, 2005 5

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### TSA Agent (HAZPRINT)

**Examination Management Services, Inc. Sites (EMS)** - Primary fixed-site enrollment capability.

**Trucking Companies** - Upon request, IBT will accommodate large companies by going on their site(s) and printing.

**Truck Stops** - Mobile deployment enrollment capability as approved by TSA, upon negotiation with truck stop owners.

**Law Enforcement** - Fixed, mobile, or manual print collection at law enforcement sites, as requested and approved.

**Other** - Consider other partnerships and potential enrollment sites where possible and/or needed.

**www.hazprints.com**  
•Online applicant enrollment & fingerprinting locations.

**(877) 429-7746 - HAZPRINT Call Center**  
•Telephone enrollment and support for TSA Agent States & check status of security assessments for all States.

HAZMAT Threat Assessment Program May 11, 2005 6

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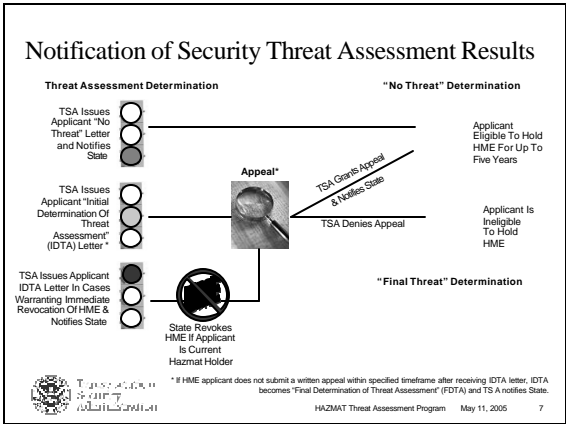
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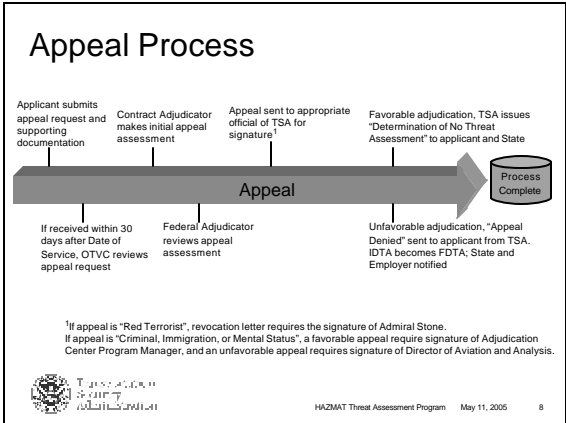
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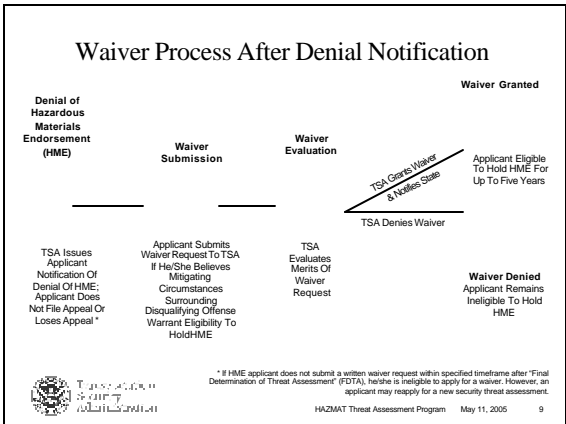
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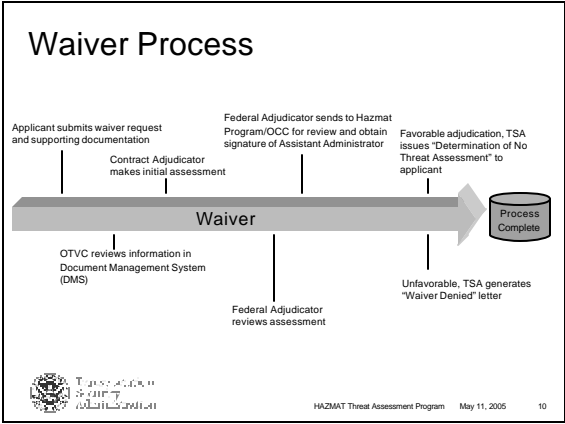
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# Fingerprint Pilots with the Department of State

Debbie M. Chapman  
May 11, 2005

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## Information Sharing Programs

- The purpose of this presentation is to provide information about the FBI's CJIS Division's fingerprint pilots with the DOS regarding background checks of visa applicants

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## Objectives of DOS Pilots

- Protect U.S. borders by screening visa applicants
- Meet the DOS' needs for new services
  - Supply Criminal History Record Information not available from US-VISIT

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## Legacy Visa Applicant Process

- Name check performed via Consular Lookout and Support System (CLASS)
  - Contains CJIS data extracts pursuant to USA PATRIOT Act
- Two-print fingerprint check performed via IDENT
- A hit on either of these systems may be followed up with a ten-print fingerprint submission (ink and paper) to the FBI in order to obtain the criminal history record
- Ten-print fingerprint submission (ink and paper) is mailed by the Embassy/Consulate to the National Visa Center (NVC)
  - NVC scans card and submits electronically to IAFIS
- Response mailed to Embassy/Consulate by NVC
  - Response time may be in weeks

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## DOS Pilots

- Pilot 1
  - Involves direct electronic fingerprint submission to IAFIS by Embassies/Consulates-Ten flat fingerprint images
    - Mexico City, Mexico
    - Ciudad Juarez, Mexico
    - Guadalajara, Mexico
    - Monterrey, Mexico
- Pilot 2
  - Involves electronic submission of a twoprint fingerprint submission with a quoted FBI number to IAFIS by Embassy/Consulate
    - San Salvador, El Salvador
    - London, England
    - Kingston, Jamaica
  - This pilot will be expanded to Mexican Consulates

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## Pilot 1 Ten Print

- Name search of CLASS
- CLASS Hit
  - DOS Embassy/Consulate electronically transmits fingerprint submission to IAFIS
- Ten flat fingerprint images-utilizing single finger scanners or "Slip" fingerprint collection device
- IAFIS responds directly to the Embassy/Consulate

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Location	Prints	Total Processed <small>As of 4/28/2005</small>
Mexico City, Mexico	10 rolled and flats (Single finger scanner)	9371
Ciudad Juarez, Mexico	10 rolled and flats (Single finger scanner)	3722
Guadalajara, Mexico	10 flats (Single finger scanner)	2569
Monterrey, Mexico	10 flats (Slap device)	1273

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Pilot 2

San Salvador,  
London and Kingston

- Two-print visa applicant search against the IDENT / U.S. VISIT System
- For hits in US-VISIT/IDENT  
The Embassy/Consulate will submit the two-prints electronically to IAFIS with:
  - Quoted FBI number
  - Two flat index fingerprint images
  - Limited biographical information
- IAFIS will verify the fingerprints with the quoted FBI number

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Pilot 2

San Salvador,  
London and Kingston

- Low volume
  - San Salvador-6 transactions YTD 4-28-2005
  - London-24 transactions YTD 4-28-2005
  - Kingston-2 transactions YTD 4-28-2005
- Objectives
  - Study validity of two-print identity verification
  - Supply Criminal History Record Information to the DOS Embassy/Consulates after verification of identity from the two-print submission
  - Include the IAFIS in visa screening process
- The 6 month study to end June 2005

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Pilot Deliverables

- **Determine if the verification process serves the needs of both the FBI and the DOS**
- **Define a long-term implementation strategy for identity verification based on two-prints**

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DOS Pilot Summary

- **The CJIS Division remains committed to the use of ten rolled fingerprints for enrollment in the Criminal Master File of IAFIS**

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***Compact Council Minutes, Attachment #5***

Compact Council Web site became operational on 11/09/2005. The Web site address is:  
[www.fbi.gov/hq/cjisd/web%20page/cc.htm](http://www.fbi.gov/hq/cjisd/web%20page/cc.htm).

Standardized Reasons  
Fingerprinted

Debbie M. Chapman  
May 12, 2005

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Standardized Reasons Fingerprinted

- The purpose of this presentation is to propose a revised list of Standardized Reasons Fingerprinted for Civil/Applicant Submissions

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Background

- The National Crime Prevention and Privacy Compact Council has previously affirmed the CJIS Advisory Policy Board's recommendation for approval of the CJIS implementation plan for Standardized Reasons Fingerprinted

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Proposed Revision

- CJIS Division Management directed a revision of the list of Standardized Reasons Fingerprinted
- The new listing would better support CJIS User Fee Billing statistical reporting

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Proposed Standardized Reasons Fingerprinted

- Firearms
- Volunteer
- Criminal Justice Employment
- Child Care/School Employee
- Other Employment or Licensing

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Procedure for Agencies submitting Standardized Reasons Fingerprinted

- Agency submits a letter to the FBI expressing an interest in using Standardized Reasons Fingerprinted
- FBI will acknowledge in writing the receipt of the agency's letter with a start date
- Agency must maintain a tracking system to associate the name of the subject fingerprinted, the Standardized Reason Fingerprinted, and the specific state statute authorizing the background check

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Access Integrity Unit

- Agency must still obtain the FBI's Access Integrity Unit for each federal or state statute authorizing the background check, prior to conducting background checks related to that statute
- AIU phone number is 304-625-3511

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Firearms

- Use when the subject is being fingerprinted for pistol permits, gun licenses, or any position involving a firearm
- If the FBI performs the NICS checks for your state, Firearms must be used to ensure the NICS check is performed

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Volunteer

- To be used when the position is a volunteer position related to the National Child Care Protection Act
- Reduced fee is allowed for volunteers

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**Child Care/School Employee**

- To be used when the position involves working with children
- Type of transaction should be Non-federal User Fee (NFUF)

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**Criminal Justice Employment**

- To be used only for criminal justice employment or law enforcement applicant
- Type of Transaction should be Miscellaneous Applicant (MAP)
- Contract employees for criminal justice agencies should be submitted as Other Employment or Licensing

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**Other Employment or Licensing**

- To be used when the position does not meet any of the other categories
- Type of Transaction should be Non-Federal User Fee (NFUF)

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Options for the Council

- Endorse the revised list of Standardized Reasons Fingerprinted
- Make comments or suggestions for other alternatives for the Standardized Reasons Fingerprinted
- Make no change

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Federal Bureau of Investigation  
Criminal Justice Information Services Division  
Identification & Investigative Services Section  
Next Generation IAFIS Program Office

May 2005

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Briefing Summary

- Background
- NGI Initiatives
- Study Approach
- Development Strategy

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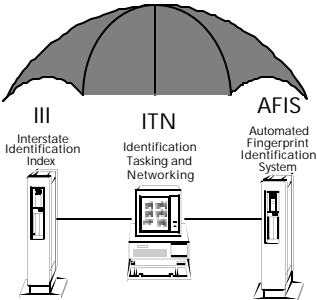
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IAFIS – Implemented  
July 1999

***I***ntegrated  
***A***utomated  
***F***ingerprint  
***I***dentification  
***S***ystem



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### IAFIS Success

- Average Monthly Transaction Volume
  - 1.5 Million
- Database Additions
  - Increases by Approximately 6,000 Per Day
- Record High Completions
  - 83,979 Transactions within 24 Hours
- Response Time
  - Criminal (2 hours or less)
  - Civil (24 hours or less)

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### IAFIS Technology

- Implemented July 1999
- 12-year old design decisions
- Changing business needs

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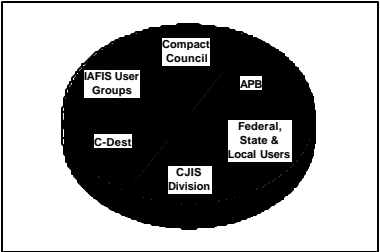
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### New Vision for Next Generation IAFIS (NGI)



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NGI Initiatives

- QC Automation
- Interstate Photo System (Mugshots)
- Disposition Reporting Improvements
- Advanced Fingerprint Identification Technology
  - Enhanced Terrorist Identification Service (ETIS)
- Enhanced IAFIS Repository
  - Rap Back
- National Palm Print System (NPPS)

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Quality Check Automation

- Functionality
  - Automate Manual QC Processes
- Benefits
  - Quicker Responses & Consistency

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Interstate Photo System

- Functionality
  - Photo Submissions Independent of Arrest
  - Bulk Submissions
  - Photos Other Than Facial
  - Photos With Civil Submissions

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Interstate Photo System (Cont.)

- Benefits
  - Increase In Photo Submissions
  - Increase In Investigative Tools
  - Easier Access
  - Multi-modal Potential

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Disposition Reporting Improvements

- Functionality
  - Submissions Via CJIS WAN
  - Submissions Via III
  - Modernization of MRD Process
  - Direct Federal Court Submissions

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Disposition Reporting Improvements (Cont.)

- Benefits
  - Increased Submissions
  - More Complete CHRI
  - Better Decision Making

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Advanced Fingerprint Identification  
Technology - ETIS

■ **Functionality**

- Increase IAFIS Processing Capacity, Storage Capacity, & Accuracy
- Decrease Response Times
- Provide New Processing Capability
- Enhanced Terrorist Identification Service (ETIS)

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Advanced Fingerprint Identification  
Technology - ETIS (Cont.)

■ **Benefits**

- Quicker And More Accurate Service
- Quick Capture
- Rapid Terrorist/Wanted Person FP Check

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Enhanced IAFIS Repository

■ **Functionality**

- New Capabilities For Civil Records
- Civil Record Consolidation
- Rap Back Service
- Multi-modal Potential

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Enhanced IAFIS Repository

- Benefits
  - More Thorough Search
  - Expanded Search Capabilities
  - Safer Nation

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National Palm Print System

- Functionality
  - Receive, Store, & Search Palm Prints
  - Allow Bulk Submissions
  - Search Unsolved Latent File
  - Multi-modal
- Benefits
  - Additional Biometric
  - Solve More Crimes

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NGI Study

- Requirements Study
  - User Requirements Review
  - CONOPS Completion
  - Functional Requirements
  - System Requirements

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Development Strategy

- NGI Development & Deployment
  - Incremental Approach
    - Operational Functionality Each Fiscal Year

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